

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3868 OF 2023

Anand S/o Shankarrao Manvatkar, Ambajhari, Nagpur and anr.

-VS-

Returning Officer/Deputy Registrar (City-3), Co-operative Society, Ganeshpeth, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri P. S. Wathore, Advocate for petitioners.

Shri A. M. Deshpande, In-charge Government Pleader for respondent No.1.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.

DATE : June 26, 2023

1. The grievance of the petitioners is with regard to the acceptance of nomination forms of respondent Nos.3 to 12. According to them without the proposer and seconder being present, the nomination forms of the said respondents came to be accepted in breach of the election Rules.
2. It is seen that while deciding the objection of the petitioners on 14/06/2023, the Election Officer has observed that the nomination forms were received within prescribed time and they were submitted in accordance with the procedure. Adjudication of the aspect whether the proposers and the candidates were actually present or not is an issue which is required to be decided by examining the material on record based on appreciation of evidence. This exercise cannot be undertaken under Article 226 of the Constitution of India and during the midst of the election process.
3. With liberty to the petitioners to challenge the acceptance of the nomination forms of respondent Nos.3 to 12 by raising appropriate challenge after completion of election and by keeping points raised in the writ petition open, it is disposed of. No costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)